

REMARKS

Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks. In this response claims 1, 16, and 20-23 have been amended.

Claims 1, 3-9, 11, 12, and 14-23 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2002/0059621 to Thomas in view of U.S. Publication No. 2003/0023504 to Berenson.

Thomas Does Not Teach Modifying Without Initiating Two-Way Communication

The Office states that paragraphs 48 and 49 of Thomas disclose “for modifying, without initiating two-way communication with the media delivery service provider.” *Office Action*, pg. 3. Applicants respectfully disagree.

Para. 48 and 49 of Thomas disclose an interactive television program guide and other features that may be implemented on the user equipment:

[0048] If desired, applications such as interactive television program guide applications, home shopping applications, home banking applications, and other applications (e.g., applications related to e-mail and chat or other communications functions, etc.) may be provided as separate applications. These separate applications may be accessed through a navigation shell application (e.g., a menu application with menu options corresponding to the applications). Additionally, the features of such applications may be combined. For example, on-demand media, home shopping, and communications functions may be incorporated into the program guide or other application.

[0049] These applications or features may be implemented locally on the user equipment. The applications or features may also be implemented using a client-server architecture in which user equipment serves as a client processor, and a server, such as distribution server 180, at media distribution facility 150 or at some other suitable location acts as a server processor. Other distributed architectures may also be used if desired.

Thomas does not explicitly disclose that modification is performed without initiating two-way communication with the media delivery service provider, only that the features may be implemented locally on the user equipment. The statements that the “feature may be

implemented locally on the user equipment” or that “[t]he applications or features may also be implemented using a client-server architecture in which user equipment serves as a client processor” indicate that the feature is executed on the user equipment while the user equipment is in two-way communication with a server and that the feature can be stored either on the user equipment or a server. Berenson does not overcome the deficiencies of Thomas. Thus, Thomas in view of Berenson fails to disclose that modification is performed without initiating two-way communication with the media delivery service provider as provided by claims 1, 16, and 20. Thomas in view of Berenson also fails to disclose each feature of claims 3-9, 11, 12, 14-15, 17-19, and 21-23 at least by virtue of their dependency from claim 1, 16, or 20. Moreover, these dependent claims recite additional novel features.

Additional Detail Has Been Added To The Independent Claims

Additionally, independent claims 1, 16, and 20 have been amended to recite that a modification can be made without currently connecting with the media delivery service provider and without initiating two-way communication with the media delivery service provider. Thomas discloses an interactive television program guide and as a result the user equipment connects to a server to receive the interactive guide. Therefore, Thomas does not disclose modifying without currently connecting with the media delivery service. Berenson discloses connecting to a server to modify orders or programs on the user equipment. See, *Berenson* para. 0025 and 0050. Therefore, Berenson does not overcome the deficiencies of Thomas. Thus, Thomas in view of Berenson fails to disclose that modification is performed without currently connecting with the media delivery service provider and without initiating two-way communication with the media delivery service provider as recited by claims 1, 16, and 20.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to telephone the undersigned with any remaining comments or questions.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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February 12, 2009
Date